

HONORABLE MARSHA J. PECHMAN

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SCOTT KINGSTON,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORPORATION, a New York Corporation,

Defendant.

No. 2:19-cv-01488-MJP

**INTERNATIONAL BUSINESS
MACHINES CORPORATION'S
NOTICE OF APPEAL AND RULE 3-2
REPRESENTATION STATEMENT**

1 Pursuant to Federal Rule of Appellate Procedure 4(a), Defendant International Business
2 Machines Corporation (“IBM”) hereby gives notice that it appeals to the United States Court of
3 Appeals for the Ninth Circuit from the final judgment entered in this case on April 15, 2021
4 (ECF 141); all rulings and orders prior to entry of final judgment; and all rulings and orders
5 issued after final judgment, including but not limited to, the order granting in part Plaintiff’s
6 motion for attorney fees entered on June 29, 2021 (ECF 192) and the order denying IBM’s
7 motion for judgment as a matter of law, a new trial, or remitter entered on June 29, 2021 (ECF
8 193).

9 Pursuant to Ninth Circuit Rule 3-2, a representation statement is attached hereto.

NINTH CIRCUIT RULE 3-2 REPRESENTATION STATEMENT

1. Plaintiff-Appellee Scott Kingston is represented by:

Toby J. Marshall
TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, WA 98103
E-mail: tmarshall@terrellmarshall.com

Matthew E. Lee
Jeremy R. Williams
WHITFIELD BRYSON & MASON, LLP
900 W. Morgan Street
Raleigh, NC 27603
Email: matt@whitfieldbryson.com
Email: jeremy@whitfieldbryson.com

2. Defendant-Appellant International Business Machines Corporation is represented by:

Paul Taylor
BYRNES KELLER CROMWELL LLP
1000 Second Avenue, 38th Floor
Seattle, WA 98104
Telephone: (206) 622-2000
Facsimile: (206) 622-2522
E-mail: ptaylor@byrneskeller.com

Traci L. Lovitt*
JONES DAY
250 Vesey Street
New York, New York 10281
Telephone: (212) 326-3939
Facsimile: (212) 755-7306
E-mail: tlovitt@jonesday.com

Barry Alan Johnsrud
JACKSON LEWIS P.C.
520 Pike Street, Suite 2300
Seattle, WA 98101
Telephone: (206) 405-0404
Facsimile: (206) 405-4450
E-mail: Barry.Johnsrud@jacksonlewis.com

Anthony J. Dick*
J. Benjamin Aguiñaga*
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
E-mail: ajdick@jonesday.com
E-mail: jbaguinaga@jonesday.com

Justin R. Barnes
Kelli N. Church
JACKSON LEWIS P.C.
171 17th Street, N.W., Ste. 1200
Atlanta, GA 30363
Telephone: (404) 525-8200
Facsimile: (404) 525-1173
E-mail: Justin.Barnes@jacksonlewis.com
E-mail: Kelli.Church@jacksonlewis.com

**appellate counsel only*

1 DATED this 8th day of July, 2021.

2 Respectfully submitted,

3 JACKSON LEWIS P.C.

4 By: s/ Barry Alan Johnsrud

5 Barry Alan Johnsrud, WSBA #21952

6 520 Pike Street, Suite 2300

7 Seattle, WA 98101

8 Telephone: (206) 405-0404

9 Facsimile: (206) 405-4450

10 E-mail: Barry.Johnsrud@jacksonlewis.com

11 s/ Justin R. Barnes

12 Justin R. Barnes (*pro hac vice*)

13 Kelli N. Church (*pro hac vice*)

14 JACKSON LEWIS P.C.

15 171 17th Street, N.W., Ste. 1200

16 Atlanta, GA 30363

17 Telephone: (404) 525-8200

18 Facsimile: (404) 525-1173

19 E-mail: Justin.Barnes@jacksonlewis.com

20 E-mail: Kelli.Church@jacksonlewis.com

21 Attorneys for Defendant

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the United States of America that, on this day, I electronically filed a true and accurate copy of the document to which this declaration is affixed with the Clerk of the Court using the CM/ECF System, which will send notification of such filing to the following:

Toby J. Marshall, WSBA #32726
TERRELL MARSHALL LAW GROUP PLLC
936 North 34th Street, Suite 300
Seattle, WA 98103
tmarshall@terrellmarshall.com

Attorneys for Plaintiff

Matthew E. Lee, *pro hac vice*
Jeremy R. Williams, *pro hac vice*
WHITFIELD BRYSON & MASON, LLP
900 W. Morgan Street
Raleigh, NC 27603
matt@whitfieldbryson.com
jeremy@whitfieldbryson.com

Attorneys for Plaintiff

DATED this 8th day of July, 2021 at Lynnwood, Washington.



Ross Merritt